

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN DOTSEN, EDDIE CITCHEN, MARK
JARVIS, KENNETH OAKLEY, CARLTON
REEVES, and STEVEN ZENKER

Case No. 08-13118

Plaintiff,

Honorable John Corbett O'Meara

v.

ARKEMA INC.

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a four-count complaint in this court on July 21, 2008, alleging the following: breach of fiduciary duty under 29 U.S.C. § 1104(a) in Count I; fraud in Count II; innocent misrepresentation in Count III; and breach of contract in Count IV.

While the claim alleging violation of federal law is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Counts II, III, and IV are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: August 12, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 12, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager